

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION**

UNITED STATES OF AMERICA

v.

DONALD L. BLANKENSHIP

Criminal No. 5:14-cr-00244

FILED

DEC - 2 2015

**TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia**

**DEFENDANT'S PROPOSED INSTRUCTION NO. 94
JURY DEADLOCK**

Your note indicates that you have been unable to reach a unanimous decision.

Any verdict must represent the considered judgment of each juror. In order to return a verdict, it is necessary that each juror agree to the verdict. In other words, your verdict must be unanimous.

It is your duty, as jurors, to consult with one another and to deliberate with a view to reaching an agreement, if you can do so without violence to individual judgment. Each of you must decide the case for yourself, but do so only after an impartial consideration of the evidence with your fellow jurors. In the course of your deliberations, do not hesitate to reexamine your own views and change your opinion if convinced it is erroneous. But do not surrender honest beliefs as to the weight or effect of evidence solely because of the opinion of your fellow jurors, or for the mere purpose of returning a verdict.

You are not partisans. You are judges--judges of the facts. Your sole interest should be to reach a just verdict from the evidence in the case.

With these thoughts in mind, I ask that you resume your deliberations.¹

Dated: November 30, 2015

Respectfully submitted,

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¹ *United States v. Yarborough*, 400 F.3d 17 (D.C. Cir. 2005); *United States v. Thomas*, 449 F.2d 1177, 1184 n.46 (D.C. Cir. 1971) (*en banc*).

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been served by hand in open court this 30th day of
November, 2015 on:

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